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Hon. Gabriel W. Gorenstein, U.S.M.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

**Re: In re: New York City Policing During Summer 2020 Demonstrations,
1:20-CV-8924 (CM) (GWG) — This Letter Relates to All Non-Stayed Cases**

Dear Judge Gorenstein,

We represent the Plaintiffs in *Gray v. City of New York*, and write on behalf of all non-stayed plaintiffs in these consolidated actions pursuant to the Court's order of May 2, 2023, docketed at ECF No. 977. That order directed the parties to file on May 26 simultaneous letters regarding the open issue as to whether the deposition of Sgt. Stuart Wohl would be duplicative of the deposition testimony of Sgt. Saturnin, and to file simultaneous replies by June 2. Because Sgt. Saturnin's deposition had not yet taken place by May 26, the parties' letters restated their prior positions predicting whether or not Sgt. Wohl's testimony would be duplicative. *See* Dkt. 1019, 1020. Now that Sgt. Saturnin has been deposed and confirmed he was unable to testify about certain trainings developed by Sgt. Wohl, Plaintiffs submit this reply.

Because multiple confidential documents produced by Defendants indicated that both Sgt. Wohl and Sgt. Saturnin developed training on Constitutional Policing of Community Events ("CPACE") that was created in response to and informed by analysis of the 2020 George Floyd Protests, Plaintiffs sought to depose both Wohl and Saturnin. Defendants repeatedly asserted that Sgt. Saturnin's testimony alone would be sufficient. Dkt. 1020. At Sgt. Saturnin's deposition, however, he testified that while he was involved in the development of CPACE training for line-level officers, Sgt. Wohl separately developed the equivalent CPACE training

for command-level officers. Sgt. Saturnin had no knowledge of, and was unable to testify about, the command-level CPACE training developed by Sgt. Wohl.¹

Sgt. Saturnin's testimony about the CPACE training provided to line-level officers further underscored the importance of testimony on the command-level CPACE training, as he explained that in situations like large protests, line-level officers are instructed that they should not use their personal discretion, but should defer to orders given by supervisors and commanding officers. It is thus of critical importance to the Plaintiffs' *Monell* claims to understand what training relevant to policing large demonstrations was provided to supervisors and commanding officers, who are making the key tactical decisions implemented by lower-level officers. Sgt. Wohl, who designed the command-level CPACE training after the lessons learned and reports issued after 2020 George Floyd Protests, will provide key testimony on the training provided to command-level NYPD officers, and is the only witness identified who can testify on this topic.

We thank the Court for its continued time and attention.

Respectfully Submitted,

/s/ Robert D. Balin
Robert D. Balin

CC: All counsel of record

¹ Captain David Miller, another witness designated by the City as a 30(b)(6) witness on the topic of training, was also unable to testify on the command-level CPACE training developed by Sgt. Wohl, as he was only prepared to testify on training provided to the Strategic Response Group (SRG).